

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

vs.

DOES 1-10,

Defendants.

CASE NO. CV 14-1123 RZ

ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED FOR LACK OF
JURISDICTION

Plaintiff, who seeks to proceed as Jane Doe, operates a website featuring erotic imagery of her. She invokes diversity jurisdiction to sue various currently-unidentified defendants for defamation and other non-federal claims based on comments made on the internet. The Court issues this Order To Show Cause because it appears that the Court may lack subject matter jurisdiction.

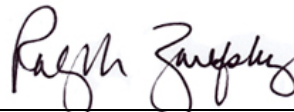
Federal courts are courts of limited jurisdiction, and if subject matter jurisdiction does not affirmatively appear, federal courts are presumed to lack jurisdiction. *National Treasury Employees Union v. Federal Labor Relations Authority*, 112 F.3d 402, 403 (9th Cir. 1997), citing *General Atomic Co. v. United Nuclear Corp.*, 655 F.2d 968, 968-69 (9th Cir. 1981). Plaintiff grounds jurisdiction on diversity of citizenship under 28 U.S.C. § 1332. She alleges that she is “an individual residing in [the] State of Pennsylvania.” Comp. ¶ 4. The unknown defendants, she alleges “[o]n information and

1 belief, “reside or do business in Los Angeles, California.” These are insufficient
2 allegations to support diversity jurisdiction. Residency is not the same as citizenship.
3 *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857-58 (9th Cir. 2001); *Jeffcott v. Donovan*,
4 135 F.2d 213 (9th Cir. 1943). Because the allegation of residence – let alone “do[ing]
5 business in” another state – is not sufficient to establish citizenship, the diversity of the
6 parties does not affirmatively appear from the Complaint. Plaintiff also fails to explain
7 what information she has that supports any good-faith belief in the locus of Defendants or
8 their activities. “Information and belief” are not magic words that properly can be used to
9 permit a wishful guess.

10 The Court reminds Plaintiff that she must establish *complete* diversity to
11 support this federal court’s jurisdiction. *Strawbridge v. Curtiss*, 7 U.S. 267, 3 Cranch 267,
12 2 L.Ed. 435 (1806).

13 Accordingly, Plaintiff shall show cause in writing not later than March 31,
14 2014 why the action should not be dismissed for lack of jurisdiction. If, before March 31,
15 2014, Plaintiff files an amended complaint curing the jurisdictional defect, the Court will
16 discharge the Order to Show Cause.

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18 DATED: March 3, 2014

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21 RALPH ZAREFSKY
22 UNITED STATES MAGISTRATE JUDGE
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